IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No 3801 of 2002
For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NIKETA BHULABHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance: MR CA BHAKTA for the Petitioner.
MR UI VYAS for the Respondent.
MR DN PATEL for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 16/04/2002

ORAL JUDGEMENT

Rule. Mr.N.J.Shah, learned Advocate, for Mr.D.N. Patel, waives service of rule on behalf of the respondent.

With the consent of the parties, the matter is taken up for hearing today.

The petitioner was initially issued a passport. In the original passport, the date of birth was mentioned as 3.6.1982. However, according to the petitioner, the real birth date is 3.7.1982, which is mentioned in School Leaving Certificate and the Birth Certificate. The Department may take into consideration the aforesaid evidence and take appropriate decision for giving her fresh passport. However, there is nothing on record to suggest that the petitioner has made any application for

that purpose. The petitioner is, therefore, permitted to make necessary application, with necessary evidence to the passport authority. If any such application is made, the authority may consider the said evidence on record and, ultimately, take decision in accordance with law.

If the authority is satisfied with the birth date submitted by the petitioner, then appropriate decision for issuing passport afresh may be taken. However, the decision is required to be taken by the authority on the basis of the available record and by using his judgment and discretion in this behalf in accordance with law.

It seems that the petitioner was negligent at the earlier point of time by not placing proper material. The petitioner is, therefore, directed to pay costs of Rs.2,000/- to the Department. Such deposit to be made within a period of two weeks from today.

Petition is accordingly allowed to the aforesaid extent. Rule is made absolute to the aforesaid extent.

Direct service is permitted.

16th April, 2002 (P.B. Majmudar, J.)

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(apj)